IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 1114 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHAMPABEN KALICHARAN

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 1114 of 1995

MR PREM H SINGH for Petitioner No. 1

Mr K C Shah, APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE D.P.BUCH

Date of decision: 29/01/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE D.K.TRIVEDI)

Mr Prem H Singh, learned Advocate appearing for the convict-appellant has brought to our notice that as the convict-appellant-accused has already been released from the jail custody on 25.12.2003 in view of the policy decision taken by the Government by granting remission in favour of the accused persons, the appeal filed by the appellant challenging the order of conviction and sentence has become infructuous and he is not pressing the appeal and requests us to dispose of the appeal as not pressed.

2. In view of the stand taken by the learned Advocate appearing on behalf of the convict-appellant-accused and the fact that the appellant-accused has already been released from the jail custody on 25.12.2003, this appeal is disposed of as not pressed. Accordingly the conviction of the appellant-accused for offence punishable under section 302 of IPC is hereby confirmed.

3. Mr K C Shah, learned Addl.Public Prosecutor has also tendered the jail statement under the signature of Dy.Superintendent, Vadodara Central Jail showing that the appellant-accused is released from the custody on 25.12.2003 in view of the Government policy. The same is taken on record.

[D K Trivedi, J.]

[D P Buch, J.]

msp

FARAD

CORAM: D K Trivedi & D P Buch,JJ.
[29.1.2004]

For the reasons stated in the judgment, the Court has passed the following order:

"In view of the stand taken by the learned Advocate appearing on behalf of the convict-appellant-accused and the fact that the appellant-accused has already been released from the jail custody on 25.12.2003, this appeal is

disposed of as not pressed. Accordingly the conviction of the appellant-accused for offence punishable under section 302 of IPC is hereby confirmed."

Private Secretary